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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,361	11/14/2001	Sadato Akahori	Q67246	6936

7590 12/27/2004  
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EXAMINER

UPRETI, ASHUTOSH

ART UNIT PAPER NUMBER

2623

DATE MAILED: 12/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/987,361	<b>Applicant(s)</b> AKAHORI, SADATO	
	<b>Examiner</b> Ashutosh Upreti	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Drawings*

The drawings are objected to because of incorrect spelling in Figures 2, 4, 5 and 7. As to Figure 2, the word "infomation" is used 3 times and is ungrammatical (changing this to "information" would cure this problem). As to Figure 4, there is one instance of the word "infomation" (see above). The word "registng" is ungrammatical (changing this to "registering" would cure this problem). Also, the word "registngfunction" is ungrammatical (changing this to "registering function" would cure this problem). As to Figure 5, the word "infomation" is used 3 times and is ungrammatical (see above). As to Figure 7, the word "infomation" is used 3 times and is ungrammatical (see above). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be

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notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7, 9-17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muller (U.S. Patent 6,687,331) in view of Nields (U.S. Patent 6,459,925).

As to claim 1, Muller discloses obtaining image data representing an image recorded by radiography (column 3, line 1). Here an x-ray image is converted into an electronic signal i.e. it is represented as data.

Muller also discloses obtaining photographing information data, which has been generated on the basis of the photographing conditions (column 5, line 33-35) to be displayed on a screen (column 5, lines 37-38).

Muller also discloses adding photographing information data to the image data (column 5, lines 37-38). Here the reference is read as meaning the angle is displayed on the screen with the image.

Muller also discloses adding of photographing information to the image attendant information (see the table in column 6). Here angles and position of the photographing

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condition are included in the image attendant information. Since the data is displayed (column 6, lines 35-37) it is clear that the data must be being output.

Muller does not expressly disclose determining the size and position on screen for the photographing information to be displayed.

Nields discloses determining size and position on screen for the photographing information to be displayed (Figure 18). Here the "positioner rotation" is displayed on the screen. Since it is being displayed, it is inherent that the position and size for the display has been taken into account.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the information display of Nields with the image processing of Muller as they both deal with x-ray image processing.

One of ordinary skill in the art would have been motivated to do this to improve the amount of useful information received by the end user of the x-ray images.

As to claim 2, the limitations of the claims are rejected for the same reasons as claim 1.

As to claim 3, Muller as applied above further discloses generating image attendant information that includes photographing condition (see the table in column 6). Also disclosed is selecting one kind of photographing information data from a plurality of kinds (column 3, lines 62-66) on the basis of image attendant information (column 3, lines 51-55 – here it depends on the photographing condition – where the image was taken from in relation to body parts). The reference is considered to disclose a plurality of kinds of photographing information as it describes there being more than one

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standard of photographing information data (column 3, line 62). It is considered automatic as the reference indicates that there is a "possibility of the user's making a choice" (column 3, line 65), meaning that the apparatus makes the decision in the absence of a user decision.

As to claim 4, Muller as applied above further discloses selecting photographing information data on the basis of a user's instruction (column 3, lines 65-66).

As to claim 5, Muller as applied above further discloses generating photographing information on the basis of image attendant information (column 5, lines 33-36). Here the photographing information is dependant on the photographing condition, which according to the instant claims is attendant information. The other limitations of the claims are rejected for the same reasons as claim 1.

As to claim 6, Muller as applied above further discloses attendant information including enlargement (size) (column 4, line 36) and rotation (column 4, line 3) of the image.

As to claim 7, Muller as applied above further discloses converting a plurality of characters (column 6, table) of photographing condition information into image data and photographing information data (column 5, lines 33-38). Here the angle information is disclosed as represented by data and displayed as an image on a screen. In addition, it is inherent that if the photographing condition is displayed as image data then it must already be in the form of photographing information data.

As to claim 9, the limitations of the claims are rejected for the same reasons as claim 1.

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As to claims 10, Muller as applied above further discloses changing the photographing information data (here angular limits) obtained (column 4, lines 51-53).

As to claim 11, it is an apparatus corresponding to the method of claim 1 and the limitations are therefore rejected for the same reasons as in claim 1.

As to claim 12, it is an apparatus corresponding to the method of claim 2 and the limitations are therefore rejected for the same reasons as in claim 2.

As to claim 13, it is an apparatus corresponding to the method of claim 3 and the limitations are therefore rejected for the same reasons as in claim 3.

As to claim 14, it is an apparatus corresponding to the method of claim 4 and the limitations are therefore rejected for the same reasons as in claim 4.

As to claim 15, it is an apparatus corresponding to the method of claim 5 and the limitations are therefore rejected for the same reasons as in claim 5.

As to claim 16, it is an apparatus corresponding to the method of claim 6 and the limitations are therefore rejected for the same reasons as in claim 6.

As to claim 17, it is an apparatus corresponding to the method of claim 7 and the limitations are therefore rejected for the same reasons as in claim 7.

As to claim 19, it is an apparatus corresponding to the method of claim 9 and the limitations are therefore rejected for the same reasons as in claim 9.

As to claim 20, it is an apparatus corresponding to the method of claim 10 and the limitations are therefore rejected for the same reasons as in claim 10.

Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Muller and Nields as applied to claims 1 and 11 above, and further in view of Kaneko (U.S. Patent 4,783,832).

As to claim 8, Nields as applied above discloses taking size and position into account when displaying photographing information data (see claim 1 rejection).

The combination of Muller and Nields does not expressly disclose superposing the photographing information data into the image data.

Kaneko discloses superimposing character data on image data (column 2, lines 21-22). This is directly applicable as photographing information is often in the form of characters.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use the superimposing of Kaneko with the combination of Muller and Nields as Kaneko is intended for use with x-ray image data (Kaneko, column 2, line 1).

One of ordinary skill in the art would have been motivated to do this to as displaying photographing information with its relevant image would make it easier for the end user of the image to accurately get more information out of one image.

As to claim 18, it is an apparatus corresponding to the method of claim 8 and the limitations are therefore rejected for the same reasons as in claim 8.

***Contact Details***




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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ashutosh Upreti whose telephone number is (703) 306 4087. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (703)308-6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A.U.  
December 21, 2004

  
Jon Chang  
Primary Examiner